

5382. Adulteration and misbranding of vinegar. U. S. * * * v. 100 Barrels * * * of Vinegar. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7906. I. S. No. 11724-m. S. No. C-595.)

On December 7, 1916, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 barrels of vinegar, remaining unsold in the original unbroken packages at Cleveland, Ohio, alleging that the article had been shipped on September 29, 1916, by the O. J. Gutekunst Fruit Products Co., Gowanda, N. Y., and transported from the State of New York into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled: "O. J. Gutekunst Fruit Products Co. Gowanda, N. Y. Pure Apple Cider Vinegar. Reduced to 4%."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of distilled vinegar or dilute acetic acid, which had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for said article.

Misbranding of the article was alleged for the reason that the statement, to wit, "Pure Apple Cider Vinegar," was false and misleading and deceived and misled the purchaser; and for the further reason that it was an imitation of and offered for sale under the distinctive name of another article, to wit, pure apple cider vinegar.

On January 31, 1916, the said O. J. Gutekunst Fruit Products Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$100, in conformity with section 10 of the act, conditioned in part that all the labels and marks should be removed from said article.

CARL VROOMAN, *Acting Secretary of Agriculture.*